

**UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF ILLINOIS  
EASTERN DIVISION**

ANDREW CORZO, SIA HENRY, ALEXANDER LEO-  
GUERRA, MICHAEL MAERLENDER, BRANDON  
PIYEVSKY, BENJAMIN SHUMATE, BRITTANY  
TATIANA WEAVER, and CAMERON WILLIAMS,  
individually and on behalf of all others similarly situated,

Plaintiffs,

v.

BROWN UNIVERSITY, CALIFORNIA INSTITUTE  
OF TECHNOLOGY, UNIVERSITY OF CHICAGO,  
THE TRUSTEES OF COLUMBIA UNIVERSITY IN  
THE CITY OF NEW YORK, CORNELL  
UNIVERSITY, TRUSTEES OF DARTMOUTH  
COLLEGE, DUKE UNIVERSITY, EMORY  
UNIVERSITY, GEORGETOWN UNIVERSITY, THE  
JOHNS HOPKINS UNIVERSITY, MASSACHUSETTS  
INSTITUTE OF TECHNOLOGY, NORTHWESTERN  
UNIVERSITY, UNIVERSITY OF NOTRE DAME DU  
LAC, THE TRUSTEES OF THE UNIVERSITY OF  
PENNSYLVANIA, WILLIAM MARSH RICE  
UNIVERSITY, VANDERBILT UNIVERSITY, and  
YALE UNIVERSITY,

Defendants.

**Case No. 1:22-cv-00125**

**Hon. Matthew F. Kennelly**

**JOINT STATUS REPORT  
March 15, 2024**

## **I. PLAINTIFFS' STATEMENT OF RELEVANT ISSUES**

### **A. Completed and Pending Depositions**

Since the February 15, 2024 report, Plaintiffs have taken approximately another thirteen depositions. Not including the Rule 30(b)(6) depositions, another five depositions are scheduled. With respect to the 30(b)(6) depositions, the parties have been engaged in meet and confers to limit the need for oral testimony and expect to have witnesses designated/scheduled shortly.

### **B. Confidentiality and AEO Designations**

Pursuant to the Second Amended Confidentiality Order (Dkt. No. 608), Plaintiffs have challenged certain "Confidential" and "AEO" designations of documents from Georgetown, Cornell, and Penn relating to policies and procedures. Plaintiffs have met and conferred with Georgetown and Cornell, and are still seeking to meet and confer with Penn. Plaintiffs anticipate filing a motion shortly as it appears the parties are approaching or at an impasse.

### **C. Special Protective Order**

Plaintiffs and Defendants are still engaged in discussions, but there may be an issue relating to the treatment of documents re-produced pursuant to the Special Protective Order that requires resolution by the Court. Specifically, Defendants' position is that previously produced versions should be destroyed despite being in redacted form and despite having been previously produced with no issue. While Plaintiffs agree that these documents can be produced anew with additional information that is properly subject to the Special Protective Order and designated accordingly, Plaintiffs do not agree that this should require destruction of the previously produced form of the document subject the Second Amended Confidentiality Order. This would impose an inordinate and unnecessary burden on Plaintiffs to immediately seek out and destroy documents with which

Plaintiffs have been working for more than a year, many of which may have already been filed with the Court or introduced in depositions. Retroactively imposing stringent new access controls for these documents under the threat of contempt would be extremely prejudicial to Plaintiffs and serve no legitimate purpose.

**D. Early Summary Judgment Motions**

Defendants first raised this with Plaintiffs at 5:50 P.M. on March 15. Plaintiffs did not have time to assess fully but are inclined, for several reasons, to stick to the schedule the Court has already set.

**II. DEFENDANTS' STATEMENT OF RELEVANT ISSUES**

Defendants have no present issues warranting the Court's attention.

**A. Confidentiality and AEO Designations**

Defendants are unaware of any issue remotely near an impasse. Plaintiffs first raised their confidentiality designations as to Georgetown and Cornell on March 7, and then supplemented their challenges as to Georgetown on March 13, mere hours before a scheduled meet-and-confer. On separate meet-and-confers on March 13, both Georgetown and Cornell requested that Plaintiffs abide by the process outlined in the confidentiality order before filing any motion, which gives the responding party the right to respond to individual challenges within a "reasonable time" after a meet/confer. Georgetown and Cornell also noted that Plaintiffs have known these Defendants' position on confidentiality for months if not a year, and it was unfair for them to demand that Defendants' respond immediately, at the same time they are devoting substantial responses to producing documents in response to the Court's February 27 order.

As to Penn, Plaintiffs challenged some of Penn's designations earlier this week many days after the Cornell and Georgetown challenges. Penn immediately committed to reviewing the

challenged designations “in good faith,” is doing so, and will respond to Plaintiffs with responses within a “reasonable time” (as contemplated by the confidentiality order).

Defendants are concerned that Plaintiffs feel compelled to manufacture issues at the last minute before the scheduled status conferences because it turns the status conferences into the source of disputes rather than resolving them.

**B. Special Protective Order**

Destroying documents that are duplicates of documents reproduced subject to the special protective order is the only way to ensure compliance with the special protective order. The purpose of the special protective order is to provide special protection to highly sensitive documents. If those documents are not removed from the discovery record, the special protective order has no effect. Plaintiffs’ position that destroying the documents would be burdensome is not sufficient in light of the purpose of the special protective order.

**C. Early Summary Judgment Motions**

At the next status conference, Defendants request an opportunity to discuss whether the Court is amenable to Defendants filing one or more early summary judgment motions on targeted aspects of the case without waiving the right to file additional motions after expert discovery and before the dispositive motions deadline (April 25, 2025). For example, the statute of limitations has considerable impact on the scope of the class, the issues in this case, and, of course, damages.

Dated: March 15, 2024

Respectfully Submitted,

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